

REMARKS

Summary Of Office Action

Claims 1-20 are pending in this application.

The Examiner rejected claims 1-20 under the judicially created doctrine of double patenting over claims of commonly-assigned Shemitz et al. U.S. Patent No. 6,652,118 (hereinafter "the Shemitz patent") in view of Baar U.S. Patent No. 6,257,735 (hereinafter "Baar").

Summary of Applicants' Reply

Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. § 1.321(b,c), disclaiming the terminal portion of any patent issuing on this application beyond the expiration of the term of the Shemitz patent.

Reconsideration of this application in light of the following remarks is respectfully requested.

The Double Patenting Rejections of Claims 1-20

Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-8, 10, and 12 of the Shemitz patent in view of Baar.

Regarding claims 1 and 2, the Examiner said that the Shemitz patent "does not disclose a reflector and ballast are [sic] connected together inside the housing and adjusted simultaneously together."

Regarding claims 13 and 14, the Examiner also said that the Shemitz patent "does not disclose a reflector and ballast are [sic] connected together inside the housing and adjusted simultaneously together" (applicants assume the Examiner meant "a reflector and lampholder" as recited in independent claim 13).

And regarding claim 20, the Examiner further said that the Shemitz patent "does not disclose a reflector and ballast are [sic] connected together inside the housing and adjusted simultaneously together" (applicants assume the Examiner meant "a reflector, a ballast, and lampholders" as recited in independent claim 20).

These rejections are respectfully traversed.

The Shemitz patent does indeed disclose a reflector, a ballast, and at least one lampholder connected together inside the housing that can be adjusted simultaneously (see, e.g., FIGS. 8A,B, which show reflector 828, ballast 826, and lampholder 618 connected and rotatable together).

Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. § 1.321(b,c), disclaiming the terminal portion of the term of any patent to be issued on the present application beyond the expiration of the term of the Shemitz patent, and requiring that any such patent be commonly-owned

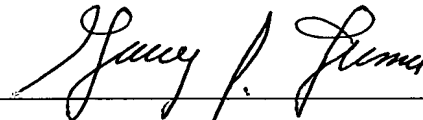
with the Shemitz patent*. A check in the amount of \$55.00, in payment of the statutory disclaimer fee set forth in 37 C.F.R. § 1.20(d) for a small entity, is enclosed herewith.

Accordingly, applicants respectfully request that the rejection of claims 1-20 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-20 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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* Indeed, because the present application is a continuation of the application that matured into the Shemitz patent, any patent that issues on the present application will automatically expire on the same day as the Shemitz patent. Therefore, the only real effect of the terminal disclaimer is to require common ownership.